

The Honorable  
Ostap Semerak  
Minister of Ecology and Natural  
Resources  
35, Metropolitan Vasil Lipkivskyyi  
03035 Kyiv  
UKRAINE

Basel/Vienna/Paris, 2<sup>nd</sup> July 2018

## **Breach of environmental laws in the Svydovets region, Zakarpattia Oblast, Ukraine**

Dear Minister Semerak,

We are writing to follow up on an international fact-finding mission regarding the planned ski resort in the Svydovets massif in the districts of Rachiv and Tyachiv in the oblast of Zakarpattia, Ukraine. We are also following up on a letter by FERN and 20 European civil society organizations dated 8<sup>th</sup> March 2018 to President Poroshenko.

Our visit to the region from 18<sup>th</sup> to 22<sup>nd</sup> June 2018 has raised significant concerns that a number of environmental laws as well as international conventions and regulations appear to be violated by current logging practices and the planning procedures for the Svydovets ski resort project in the Carpathians. We are all the more alarmed about this due to the significant value of the Svydovets mountain range for the environment where at least 94 species of the Ukrainian Red Book have been identified, including a significant number of species threatened at the European level.<sup>1</sup>

### **Illegal logging**

- We have witnessed signs of *massive over-exploitation of forests* in the region, particularly the forests of Lopuchovo. We have been informed that due to the excessive (and mostly illegal) current logging practices in Lopuchovo, around 240,000m<sup>3</sup> are being harvested per year instead of the estimated sustainable harvest of 30,000m<sup>3</sup>. If logging continues at the current rate, the complete depletion of forest resources has to be expected within the next three to five years.
- The state forest service in the region is reported to ask for *bribes from local timber operators* of around US\$5 per cubic meter.

<sup>1</sup> Kanarsky Y., Kobiv Y., Mykitchak T., Kagalo A., Kyyak V., Sytschak N., Bashta A.-T., Kovtoniuk O., Tsaryk J., Dykyy I., Shydlovskyy I., Reshetylo O.: Nature conservation value of the central Svydovets Mountains (Ukrainian Carpathians), Preprint, February 2018. (<https://www.researchgate.net/publication/323113960>)

- We observed that *timber lorries are carrying illegal timber out of the Lopuchovo region at night under the cover of darkness* in order not to be seen. This seems to be a standard practice known even to the local police force.
- Significantly, *the Forest Stewardship Council (FSC) has recently withdrawn two certificates in the region* due to non-compliance with the standard, namely certificates FSC-C137612 (Brusturi Forest-Hunting Enterprise) for 39,826 ha of state forest and FSC-C134378 (Mokra Forest-Hunting Enterprise) for 40,967 ha of state forest. The report by the accrediting body, SGS Qualifor, clearly indicates evidence of illegalities in the examined forest districts. This includes the fraudulent declaration of major clear cuts as “sanitary cuttings” and the failure to identify the habitats of protected and endangered species present in the area such as the black stork (*Ciconia nigra*).
- It appears that a significant amount of timber harvested in the region is exported to the European Union. This would constitute *a direct breach of the European Timber Regulation (EUTR)* that prohibits the import of illegally harvested timber into the European Union.

### **Lack of transparency with regard to the planned ski resort**

- *Lack of transparency and adequate public participation:* Officially published information on the planned resort is extremely scarce and excludes maps, timelines, budgets, environmental impact studies and other vital information that is necessary for a meaningful public participation. These planning procedures are in direct contravention of the *Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters* to which Ukraine is a signatory.
- *Unwillingness of the local authorities to reveal the identity of the investors* behind the planned ski resort. When questioned on the identity of the investors behind the Svydovets ski resort, Ivan Fabritsi, head of the Tyachiv district council, said on 20 June 2018 during a public appearance that he did not know them. Mr. Fabritsi however conceded that he had negotiated with representatives of the investor but failed to disclose who these representatives were.
- *Construction of a road with unclear legal status:* During our field visit, we witnessed ongoing construction works on a road between Lopuchovo and Tchorna Tisza. The status of this road, which apparently has been declared a touristic forestry road seems totally unclear. It is also unclear when and by whom the permit to build this road has been given and by whom the construction is being funded.

### **International concerns regarding the planned ski resort**

- We also note that concerns have been raised by the Hungarian government. On 3<sup>rd</sup> May 2018, the Hungarian Ministry of Agriculture’s Department of Environmental Conservation informed the Ukrainian Government that, due to the potential transboundary environmental impact on Hungary of the planned ski resort, Hungary requested to be officially informed on the project. Furthermore, Hungary considers itself to be an Affected Party according to the Convention on Environmental Impact Assessment in a Transboundary Context (the Espoo Convention).

- On 18<sup>th</sup> April 2018, the Swiss Federal Research Institute WSL, which had been involved in the investigations concerning the devastating 1998 and 2002 floods in the region, raised concerns regarding the expected impact of the planned ski resort on the water regime and biodiversity in the region. WSL warned that irreversible mistakes made in this unique mountain region could have a massive negative impact on the catchment area of the Black Tisza and seriously impair its protective functions.

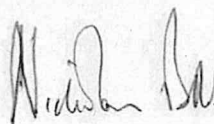
We are alarmed that we have not seen an adequate response by the Ukrainian government to the above questions raised by local stakeholders, Ukrainian environmental associations and the international community.

We therefore request the Ukrainian government to halt all illegal logging activities and any further construction works on the Svydovets resort and its access road before these questions have been addressed in a transparent, participatory and meaningful way.

Yours sincerely,



BRUNO MANSER FONDS  
Dr. Lukas Straumann



SOS FORET FRANCE  
Nicholas Bell



EUROPEAN CIVIC FORUM  
Dr. Esther Gerber



VIENNA UNIVERSITY OF  
APPLIED ARTS  
Dr. Bernd Kräftner

Copies to:

- Petro Poroshenko, President of Ukraine, Kyiv
- Artem Sytnyk, Director of the National Anti-corruption Bureau of Ukraine, Kyiv
- Karmenu Vella, European Commissioner for Environment, Maritime Affairs and Fisheries, Brussels/Belgium
- Dr. Istvan Nagy, Minister of Agriculture, Budapest/Hungary
- Gratiela Gavrilescu, Minister of the Environment, Bucharest/Romania
- Dr. Ignazio Cassis, Federal Department of Foreign Affairs, Bern/Switzerland
- Prof. Dr. Konrad Steffen, Director WSL, Birmenstorf/Switzerland
- Harald Egerer, Secretariat of the Carpathian Convention, UNEP, Vienna/Austria
- Hanna Aho, Forest and Climate Campaigner, FERN, Brussels/Belgium
- Uli Gräbener, Managing Director, Michael Succow Foundation for the Protection of Nature, Greifswald/Germany
- Forest Stewardship Council, Bonn/Germany